

From: Staelin, Carl
To: Microsoft ATR
Date: 1/23/02 9:00am
Subject: Microsoft Settlement

Dear Sir,

I am strongly opposed to the proposed final judgement in the Microsoft anti-trust trial.

I think it does nothing to punish a convicted and stridently unrepentant monopolist, and provides no relief to current and future Microsoft competitors.

Suppose some whiz kid comes up with a new "killer app" like Netscape, and starts a company to develop and market the application. If the company is a success, Microsoft can still use many of its monopolistic practices to squash the upstart, such "integrating" a competing application into the operating system, or adding slightly broken APIs for "security" reasons which can then be kept secret, and so forth.

Due largely to this scenario, I know that many investors are hesitant to fund any company which might compete with Microsoft because there is no potential profit. Any success will be stolen/squashed by Microsoft.

In large part due to funding problems, the most energetic competitors to Microsoft are often found in the OpenSource arena. Unfortunately, the proposed final judgement does nothing to aid this vibrant source of competition. In addition, Microsoft has recently become aware of this competition, and is now starting to add restrictive licensing terms to various products and toolkits to try and prevent users and developers from using OpenSource and Microsoft products together. Since Microsoft is a monopolist, this would effectively squash OpenSource competition also.

Any final judgement should do much more to open APIs, file format specification, and documentation to private individuals as well as corporations. It should also prohibit any licensing terms restricting a user or developer's right to use or distribute Microsoft and non-Microsoft code together. In addition, all contractual and licensing terms which effectively remove any financial incentive to use competing products should be prohibited, such as terms which force OEMs or enterprises to pay licensing fees based on the number of computers rather than the number

of computers running Windows.

In addition, I think it may be necessary to find more creative solutions to Microsoft's conduct, such as forcing Microsoft to license their patents that cover various aspects of Windows to all comers for free, so free alternatives to Windows such as "wine" can flourish. I know that this is taking private intellectual property, but it is a mild punishment for felonious conduct. I think the court should also reconsider more extreme measures, such as dividing the company into multiple competing companies, as was done with Standard Oil and Bell Telephone.

Thank you for your time and consideration,

Carl Staelin

The opinions expressed above are strictly my own, and do not necessarily agree with my employer's views.
I am a US Citizen working abroad.

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